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A MEMOIR

OF

JOHN LEEDS BOZMAN,

THE FIRST HISTORIAN OF MARYLAND.

A Paper read before the Maryland Historical Society,

May 9th, 1887,

BY

SAMUEL A. HARRISON, M. D.

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Rettulit indigenis, veteris non inscius ævi.—*Ovid.*

Baltimore, 1888.

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PREFATORY NOTE.

In order that credit may be given where it is most justly due, it is proper to say, and to say distinctly, that much the greater part of what has here been related of both John Leeds and John Leeds Bozman, was derived from memoranda and private letters of that highly accomplished and most honorable gentleman, John Bozman Kerr, whose natural abilities, extensive learning and large acquaintance with Maryland History should have made him the successor of his great uncle. Other persons, most of whom have now passed away, were consulted with reference to Mr. Bozman's habits and appearance, and the information thus obtained has been cautiously used; but for his character and opinions the chief reliance has been placed upon his own writings. The county records and newspapers have given but small contribution to our knowledge of a "life exempt from public haunt." His name has gained admittance into some of the Biographical Dictionaries, but the notices of him are exceedingly meagre and imperfect.

JOHN LEEDS BOZMAN,

THE HISTORIAN.

THOSE who have rendered distinguished services to their fellows, by thought, word or deed, are wrongfully deprived of half their just meed, however well they may have been paid in life with praise and more substantial reward, if their memories are allowed to perish from the minds of men. Nor are they alone the losers by such neglect, for states and communities suffer detriment, hardly to be measured, when they permit the recollections of their good or great or useful citizens to be effaced by "the tooth of time and rasure of oblivion:" for what spur or incentive to finer natures is comparable with the hope of winning the more durable existence that the remembrance of after times confers, and what inspiration to others, less highly endowed, is equal to that afforded by lofty example held permanently

in view? If the objects of this Society are not misapprehended, one of its purposes is

> "to memorize
> And leave in books for all posterities
> The names of worthies and their virtuous deeds"

—to perpetuate or, if dying, to revive recollections of those citizens of this State who, in the past, thought, wrought and wrote wisely and well—an object most worthy of your labors. That the Maryland Historical Society, with such an object before it, should not have attempted to trace the pathway in life which lay not along the thronged thoroughfares of the "city full," but, as it were, through the lonely recesses of primitive forest, and which is now almost effaced by the falling leaves of time—that it should have made no effort to recover the lineaments, fast fading from the canvas where once they were so strongly drawn, of him who was the first[1] to essay the task

[1] The only person that can justly claim precedence in time of Mr. Bozman as the first historian of Maryland was the Rev. Thomas Bacon, the compiler of the laws of the province, whose labors, as embodied in his great work, are hardly to be estimated. It may be well enough to state that Mr. Bacon was an uncle to Mr. Bozman by marriage, and from the compiler of the laws the historian of Maryland may have received the first suggestion or inspiration to attempt the work upon which his celebrity depends.

The above is allowed to remain as written before the following attracted attention: "The earliest historian of Maryland was George Chalmers, whose *Political Annals of the Present United Colonies* was published in London in 1780 . . . His Account of Maryland is fair and for the most part accurate."—W. T. Brantly, in Winsor's *Narrative and Critical History of America*, vol. III., p. 559.

upon which it has been engaged now this many years—seems strange, and the more so in view of the laborious diligence that has been expended in following the aimless wanderings and in restoring the doubtful portraiture of less considerable personages of the State. Under these circumstances, it is thought that the presentation of some account, imperfect as it may and must be, of Mr. John Leeds Bozman, the historian of the earliest years of Maryland, will not be out of place, and, perhaps, acceptable to students of Maryland history.

The history of families, *et nati natorum et qui nascentur ab illis*, of which local history is largely made up, has of late years acquired fresh interest, and this with others besides those whose vanity it gratifies by its record of descents from ancestors easily believed to be of gentle blood, and with those others who are pleased with the genealogical puzzles which it helps to solve or complicates the more. Philosophy is using these family histories as furnishing data for the confirmation of those doctrines of heredity that have relations with so many departments of human knowledge, particularly with anthropology in all its varied branches. For this and other reasons, a few words of the ancestors of Mr. John Leeds Bozman will be pardoned. His family was of Dutch origin, and had for its founder in America William Bozman, the

immigrant—a man who is represented as having possessed great force of character. He is said to have been in the Chesapeake as early as 1627. He was later seated in that portion of the peninsula which afterwards became Somerset County, and this may be regarded as the home or solar of the family. He was appointed by Governor Calvert in 1663 one of the Commissioners to settle the boundary between Virginia and Maryland, and, in 1664, one of the Commissioners to grant warrants for land to persons desirous of removing from the jurisdiction of Virginia to that of Maryland. He held other positions of trust after the organization of Somerset County in 1666. A son of William Bozman was John, who rose to the distinction of being one of the Judges of the Provincial Court of Maryland, and from him sprang Thomas and Risdon Bozman, both of whom became residents of Talbot County. Risdon Bozman, a man of large landed possessions, fixed his home at Sherwood, upon the Eastern bay, and here he acquired consideration and position in social and civil life. He is believed to have died without children.[1] Thomas Bozman married Mary Lowe, the daughter of Colonel Nicholas Lowe, of Oxford Neck—a gentleman who at one time or

[1] Wide flats just within the Eastern bay, bordering upon this estate, are known to sailors and fishermen as the "Bozman Flats," and a town in a situation not remote has very recently been laid off, which has received the name of "Bozman," but more in honor of the historian than of his family.

another was Clerk of the County, High Sheriff, Member of the House of Burgesses and Colonel of the Militia. By his wife Colonel Thomas Bozman acquired a large estate in Talbot, upon a portion of which, subsequently, but long after his death, known as Belleville, he settled, and this became the seat of the family, passing through a collateral branch from its possession as late as 1874. He occupied many places of honor and emolument in the county and province. He was High Sheriff, a Commissioner and Justice of the Peace, the Deputy Surveyor General, Deputy Commissary General for the Eastern Shore, Colonel of Militia and a Vestryman of St. Peter's Parish.[1] Few men of his day in Maryland were held in higher esteem. The son of Colonel Thomas Bozman and Mary Lowe was John, who, marrying Lucretia Leeds, the daughter of John Leeds, of Wade's Point, became the father of John Leeds Bozman, the subject of this sketch.

At the risk of prolixity something must be said,

[1] Some of these official titles suggest to us of the present little of the honor and dignity they represented to men of a former time, for apart from the fact that the offices they designate were once of greater importance than they now are, it should be noted that in a society essentially aristocratic and yet forbidden to use the only symbols of nobility that were known, as was the case in provincial Maryland, official position conferred titular rank. Thus, names and places that would now be disdained by men of good social standing were sought after with avidity, as much for the distinction they conferred as for the emoluments they secured, and as the offices were largely monopolized by certain families, the titles assumed a kind of hereditary character.

in connection with the Bozman genesis, of Mr. John Leeds, the maternal grandfather of the historian of Maryland, for to this source, perhaps, may be traced the inclination to letters and science which he displayed. Mr. John Leeds, now almost forgotten, was held in much esteem by his contemporaries for the purity of his character and his very respectable attainments. He was the son of Edward Leeds, of Wade's Point, in Talbot County—a property which he inherited from his father, Captain William Leeds—a Puritan in religion, a contemporary of William Claiborne, a resident of Kent Island and a representative, in 1661, of Kent County in the House of Burgesses. Captain William Leeds, who died in 1708, was the son of Timothy Leeds, the immigrant, who came to Virginia with Newport's expedition.[1] John Leeds was born, according to the Quaker notation, on the 18th of the fifth month (July), 1705, and, his father dying soon after, was left to the care of his mother—a woman of strong sense as well as purity of character—who, having embraced the doctrines of the Friends, gave to the mind of her son a religious impress that was never lost, though he soon ceased all communion with these people. Of his education nothing whatever is known except that it was obtained wholly in Maryland—he

[1] As mentioned in Smith's *History of Virginia*, vol. I., p. 172, Richmond edition of 1819.

never having been sent abroad, as the sons of wealthy planters and merchants often were. It may have been received under the tuition of one of those teachers who were purchased from the ships as indentured servants, for some of these were men not so ignorant and depraved as their forlorn condition might indicate; but in view of the extremely defective instruction that was imparted at that early time in the province—in view, too, of the small encouragement that was given to the prosecution of liberal studies in such a primitive society as then existed in Maryland, and, finally, in view of the really respectable attainments of Mr. Leeds—we are justified in believing that he possessed a natural aptitude for learning which overcame educational deficiencies and a taste for letters that could not be extinguished by the rudeness of his environments. A kinsman, writing of him, said: "Though educated solely in Maryland, few among his cotemporaries had higher claims, by common consent, to rigid scholarship and more skill in the mathematics." It was on account of his proficiency in astronomy and geodesy that he was appointed by Governor Sharpe one of the Commission to supervise the work of the surveyors, Mason and Dixon, in laying down the boundary line between Pennsylvania and Maryland, which in subsequent years acquired such historic celebrity and momentous political

importance. Of him Governor Sharpe said in a letter: "I appointed Mr. Leeds to be a Commissioner, and it was at my desire and request that he traveled and attended the other Commissioners. I did not think it safe with regard to Lord Baltimore's interest to be without him, there being no other person I could procure to assist whose knowledge of such matters I could rely on."[1] It is hardly doubtful that the detection of some errors in the original survey was owing to his knowledge and accuracy. Mr. Leeds gave much attention to astronomy,[2] but more particularly to optics, in which science his descendants claim that he made unrevealed discoveries which anticipated many of a later day. The truth of this there are, of course, no means of determining. He possessed a valuable collection of philosophical instruments, some of which, after his death, came into the possession of St. John's College and others remained in that of his grandson, Mr. John Leeds Bozman.[3]

[1] Services which were so valued by Governor Sharpe and upon which Mr. Leeds himself placed no slight estimate, for his accounts show that he demanded an extra allowance of a guinea for each day of one hundred and seventy-seven that he attended, are strangely ignored by historians, who do not connect his name with this important transaction.

[2] The Philosophical Transactions of 1769 contain a letter of his upon the Transit of Venus, occurring on the 3d of June in the same year. He left behind him a large mass of astronomical calculations, which it was intended to submit to Mr. Bowditch for examination; but the matter was delayed and the papers were destroyed. Of course, there are no means now of estimating their value.

[3] There is a tradition that the Maryland authorities, after the passage of the Confiscation acts in the Revolutionary era, laid claim to some of these

In the year 1735 Mr. Leeds was appointed one of the Commissioners or Justices of the Peace for Talbot County, which position he held until the year 1738, when he was appointed Clerk of the County.[1] In this place he remained for a great number of years, and while holding it he was, in 1766, appointed Naval Officer for Oxford, and at a later date, say 1773, a Judge of the Provincial Court. No office of the Provincial Government was of greater importance and dignity than this, except that of the chief executive, and his appointment to it must be regarded not only as a testimonial to his high character, but as evidence of his possessing, in addition to his other acquirements, a good knowledge of law. He was also at one time Treasurer of the Eastern Shore. During the long controversy that was waged with the Royal Government by the American Colonies prior to the actual outbreak of the hostilities of the Revolution, Mr. Leeds counselled patience and peace, and he opposed all measures that seemed to tend to the rupture of the ties which bound Maryland to the mother country, and when finally these ties

instruments, for the use of the College, as being the property of the Lord Proprietary. Mr. Leeds said that he had no objection to their going to the College, but that they were his own and refused to deliver them. Being, however, a non-juror, he transferred them to his grandson, John Leeds Bozman, by bill of sale.

[1] Allibone, in his *Dictionary of Authors*, speaks of Mr. Leeds as the "Surveyor General of Maryland." He was, probably, Deputy Surveyor General for the Eastern Shore.

were declared to be sundered, he pronounced the act precipitate, ill-advised, morally and politically culpable. He refused to renounce his allegiance to the King of Great Britain, and to recognize as legitimate that government or those governments which had been set up upon the ruins of the proprietary and kingly rule. In other words, he became a Tory—a decided but inactive Tory. He refused to take the oath that was required of him, resigned all his official positions, even that of the Clerk of the Court, and retreated to the seclusion of his farm on Bay-Side.[1] As the contest grew warmer and more embittered in the colony and his county, he apprehended that proscriptive measures would be adopted in Maryland against all those who opposed the current of popular sentiment. So he settled his private affairs prepara-

[1] The following lines, "occasioned by the oath refused by non-jurors, during the Revolution," though without poetic merit, are possessed of curious interest:

The Honest man compell'd to take
An Oath his heart cou'd never make.

A Parody,
By John Leeds, Esq.

To thee O God! who knows the secret mind,
Or, if to Virtue or to Vice inclined
My cause I leave, and hope the just award,
Who Vice can punish, Virtue will reward:
If in the maze of these degenerate days
I go, unwilling, into error's ways,
Or if by wicked men compelled to run
In paths reluctant, which I sought to shun,
Impute the error to their damned decree
Not to my heart, for that is wholly free.

Addressed to James Dickinson, Esq.

tory to leaving the country, expecting to embark with Governor Eden on the ship Fowey; but as the final step towards colonial independence was delayed, he was persuaded by kinsmen and friends of the Whig or patriot party, among whom was a very near neighbor—the Hon. Matthew Tilghman (*clarum et venerabile nomen*)—to continue at his home, and, he consenting, here remained in unmolested retirement during the whole contest, giving offence to none by the obtrusion of his sentiments upon public or private notice, and enjoying, amidst the suspicion and acrimony that was engendered by the war, the confidence and consideration of his fellow-citizens of whatsoever political belief.[1] Mr. Leeds maintained his opinions to the end of his life, and witnessing, not without self-approval, the failure of the government under the Articles of Confederation, he was confirmed in his belief that a lasting league of independent States was an illusion of political optimism, and that the only sure ground for stability was a constitutional monarchy. He did not live long enough to witness the happy working of our "more perfect Union" under our new form of government, for he died soon after the adoption of our Constitution, in March, 1790, "fully impressed with

[1] He was referred to by the Rev. John Gordon, an ardent Whig, in a sermon he delivered in 1774, during the time of the agitation produced by the Boston Port Bill, as "one of whom all had been so justly proud for his profound learning, for his excellence and purity of character."

the idea that the expenditure of lives and the waste of treasure might have been obviated by the recognition of a Colonial General Home Government under the mere prestige of British power and British laws."[1] Mr. Leeds was exceedingly liberal in his religious views, for having imbibed from a Quaker mother Arian opinions, there was ground prepared in youth for the reception and growth of the seeds of Deism, which, in his maturer years, were scattered broadcast throughout the world. It is known that, like most men of serious minds, he was led to a study of those profound questions of the origin, nature and destiny of man that lay at the basis of religious faith and practice, and, as connected with them, the dogmas and ceremonials by which different forms of religion are expressed and discriminated. His philosophic manner of considering such subjects, which he adopted instead of the emotional which characterized the people among whom he had been piously bred, may have given rise to the opinion that he was atheistical. If the rigidly orthodox discovered in him something to condemn, the more tolerant of divergencies from a catholic faith saw at the bottom of his character a veneration of that "power which makes for righteousness." He was in communion with no religious

[1] John Bozman Kerr, in a manuscript history of the Chamberlaine family, part of which only has been published.

society, but held the Friends in great respect for the purity of their lives, and, like other men in whom the filial sentiment is strong though the religious belief is weak, because their faith and practice were those of an honored parent. Of the more intimate traits of Mr. Leeds' character and of his personal appearance, little or nothing is known: but that he possessed many amiable qualities of mind and heart is attested by the affection of his immediate descendants, which is of record, and by the veneration of those more remote, which is based upon authentic family tradition. He was buried at Wade's Point,[1] his homestead—a property which was taken up originally by Zachary Wade, one of Claiborne's companions, and alienated by him when that worthy was driven from the province in 1647.[2] Mr. Leeds left this property to his grandson, John Leeds Bozman, who made it his home for a short time during the early part of his life. To the same he bequeathed his library and philosophical instruments. Mr. Leeds married, on the 14th of the

[1] The land thus designated was directly across the Eastern Bay from Kent Point, where, it is claimed, was the seat of Claiborne's settlement. Its name is variously spelled.

[2] Zachary Wade was one of the adherents of Claiborne in his resistance to the claims of Lord Baltimore. When this "evil genius," as Mr. Bozman calls him, but very improperly, was driven from Kent Island by Governor Calvert in 1647, he was one of those who "submitted themselves to his Lordship's government" and took the oath of fealty.—*Bozman's Hist. of Md.*, vol. II., p. 304 (note).

2nd month, 1726, Rachel Harrison, by whom there were born to him three daughters, but no sons. One of these daughters, Rachel, became the wife of John Bozman, as before mentioned, and the mother of the historian of Maryland.[1]

To conclude this long genealogical digression

[1] This marriage was formally ratified, according to the simple ceremony of the Friends, at the Quaker Meeting house on Dividing Creek, near the town of Trappe—consecrated in the memory of these good people by the fact that near by, at the house of William Stevens, George Fox preached when in America in 1673, having among his auditors "the Judge of the County, three Justices of the Peace and the High Sheriff, with their wives. Of the Indians one was called their Emperor, an Indian King, their Speaker, who sat very attentive and carried themselves very lovingly." The certificate of this marriage may be here inserted as a curious relic of a primitive time:

Maryland ss Where as John Leeds, Jr. and Rachel Harrison, Boath of Talbot county in the Province of Maryland, have Declared their Intentions of Marrying Publickly before severell Meetings of the People call'd Quakers in the aff'd County of Talbot, according to the good order used among them, whose proceedings thare in were approved By the said Meeting, thay appering clear of all others: Now, these are to Certify all whome itt may Concern that for the full accomplishment of their said Marriage, They the said John Leeds and Rachel Harrison appeared in a Publick meeting of the afforesaid People, att their meeting house att Choptank this fourtenth day of ye Second Mouth In the year of our Lord one thousand seven hundred and twenty six, and In a Solemn Manner He the said John Leeds, taking the S'd Rachel Harrison by the hand Did Publickly Declare as followeth: Friends, in the fear of the Lord and Praying for Divine assistance, I take my friend Rachel Harrison to be my Wife, Promesing to be to her a True, Loving & Affectionat Husband untell itt shall Pleas allmighty God by Death to separate us. And then and thare the said Rachel Harrison did in like manner declare as followeth: Friends, in the fear the Lord and Praying for Divine Assistance, I take my friend John Leeds to be my Husband, Promising to be to him a True Loving and Affectionat Wife untell itt shal Please all mighty God by Death to separate us. And the said John Leeds and Rachel Leeds, she now according to the Custom of Marriage, Assuming the name of Her Husband, as a further Confirmation did then and thare to these Presents sett their Hands, and we whose names are here unto subscribed being Present Att the solemnnizing

and to return to the subject of this memoir, it may be stated that there is no difficulty in tracing atavic influence in the forming of the mind and character of John Leeds Bozman. It has been shown that he came from ancestors that were not only reputable, but mentally well-endowed, some

of the said Marriage and Subscription affore said, as witnesses, Have to these presents sett our hands the Day and Year above writen.

John Leeds Junr
Rachl Leeds.

Samuel Dickinson,	John Powell,
Ruth Richardson,	Will. White [?],
William Harrison,	William Lewis,
Henry Troth,	Chas. Diekinson,
Wm. Diekinson,	Solomon Edmondson,
Peter Sharp,	Christopher Birkhead,
Danl. Powell,	Joseph Wray,
Howll Powell,	Solomon Sharp,
Walter Dickinson,	Henry Sharp,
John Gorsuch,	John Stevens,
Wm. Sharp,	Howell Powell, Jr.,
Wm. Edmondson,	Peter Webb.
John Kemp,	

[The names of the women are all written by one person].

Rebeckah Dickinson,	Susanah Powell, Jun.,
Elizabeth Harrison,	Sarah Webb,
Ann Harrison,	Ester Edmondson,
Susanah Powell,	Sarah Webb, Jun.,
Suffrah Dickinson,	Mary Horney,
Sarah Powell,	Magdalen Stevens.

Under the name of his wife upon this certificate John Leeds wrote with touching simplicity: "She died 10th May 1746 having well and faithfully performed her covenant." In the handwriting of Mr. John Leeds Bozman, upon the paper enclosing this certificate, which he seems to have treasured with filial piety, was an endorsement which effectually settles a disputed point of biography, namely, the birth-place of the celebrated John Dickinson, author of "Farmer's Letters," and of General Philemon Dickinson, of

of whom possessed a culture rarely to be found in a new and sparsely settled country remote from those influences that are helpful or stimulating to intellectual effort. How far his example proves the doctrines of heredity, this is not the place to consider.

John Leeds Bozman, the son of John and

the Revolutionary Army, both of whom, as will appear, were the kinsmen of Mr. Bozman. The following is the memorandum: "The within Rachel Harrison, to whom my grand father John Leeds was married, according to the enclosed certificate, was one of the daughters of William Harrison and Elizabeth his wife, whose estate and place of residence lay in Talbot County, on the Choptank river contiguous to the place called Barker's Landing. The said Elizabeth Harrison's maiden name was Dickinson. She was the only daughter of William Dickinson, of Talbot county, merchant, who died in 1718 and left Samuel Dickinson his eldest son and heir at law. Samuel Dickinson by a first wife, had Henry Dickinson his eldest son & heir; but by a second wife (who was a sister of Doct Cadwallader of Philadelphia) he had two other sons, viz, John Dickinson, (celebrated for his Farmer's letters) and Philemon Dickinson, commonly called General Dickinson of the State of New Jersey. The plantation and residence of the present Doct Saml Dickinson, a grand son of the above mentioned Henry (lying on Choptank) [and still, 1887, possessed by a lineal descendant] has been transmitted to him from his great grandfather, the above mentioned Saml Dickinson, and was the family seat of the above mentioned Samuel the Elder. These facts appear from a *copy* of a deed of release (in my grand father, John Leeds' hand writing) which appears to have been given by him to the above mentioned Saml Dickinson, the elder and son of William, in the year 1734, for his wife Rachel's distributive share of her grand-father's, William Dickinson's, personal estate, her mother Elizabeth Harrison, being then dead. Her distributive share for which the Release appears to have been given amounted to 100 pounds sterling and 50 pounds currency.

"John Leeds Bozman
"*Sept. 7th*, 1814."

It may be added, though nothing more is needed, that recent investigations prove incontestably that both John Dickinson and Philemon Dickinson were natives of Talbot County, and, therefore, that this County and this State of Maryland are entitled to a portion, at least, of the honors that are reflected from these illustrious names.

Lucretia (Leeds) Bozman, was born upon the estate subsequently named Belleville, in Oxford Neck, Talbot County, Maryland, on the 25th of August, 1757. Of his early life little or nothing is known. It was, probably, that of a country boy of the present—lonely, idle and monotonous. His father dying when he was but ten years of age, he was fortunate enough to fall under the care of his maternal grandfather, William Leeds, who directed his education. After primary instruction at home, he was sent to Back Creek Academy, afterwards Washington Academy, in Somerset County, a school of high reputation in its day. At a suitable age, when he had made proper progress in his studies, he matriculated at the Pennsylvania College, now the University of Pennsylvania, where he made a complete course and was regularly graduated. It having been determined that the profession of law should be his calling for life, he was in 1777 entered as a lawyer's apprentice with Judge Robert Goldsborough,[1] the fourth of the name, of Myrtle Grove, and after the close of the war of the Revolution, he was, in 1784, sent to England for the com-

[1] There is a tradition pretty well established that while an apprentice to Judge Goldsborough at his seat in Talbot, he met with Miss Callista Callister, whose charms may have inspired a tender passion in his breast, and whose death certainly inspired some threnetic stanzas, which were printed in the *Port Folio*, and acquired considerable vogue in their day, but are now justly forgotten.

pletion of his legal studies. He was entered as a student at the Middle Temple, London, his grandfather defraying the necessary expenses attending his residence abroad. His most intimate companion in London was Mr. William Vans Murray, of Dorchester County, also a student of Middle Temple, who subsequently rose to distinction in political life, becoming not only a member of Congress but a Minister at the Hague. With him Mr. Bozman maintained a personal and epistolary correspondence until the death of Mr. Murray; and some of the letters of these friends, recalling incidents of their life in Fig Tree Court, where they had their chambers, indicate that they were not so absorbed in study as to decline participating in the gaieties, or if it must be told, the dissipations of the great city. After spending several years at this school, "mastering the lawless science of our law," he returned to Maryland and Talbot, was admitted to the bar, and entered upon the practice of his profession in the various courts of the State and county. He served as Deputy Attorney General under the eminent Luther Martin, his warm friend and associate, from the year 1789 to 1807, but it is believed he never held any other office of trust or profit. It does not appear that he acquired any great distinction as an advocate, but he was held in high esteem for the extent of his legal erudition

and for the soundness of his professional judgments. His abilities and tastes fitted him for the calm and quiet duties of the counsellor, or better still for the deliberate decisions of the judge, rather than for the stormy contests and fallacious plausibilities of the pleader. Some of his law papers, presented to the General Court and the Court of Appeals, are said to be drawn up with extraordinary acumen and research. A kinsman, perhaps too partial, has said that a paper of Mr. Bozman, presented to the Court of Appeals by one of the counsel in the case of Martindale and Troupe, familiar to most legal gentlemen of this State through "Harris & McHenry's Reports," where it is inserted without name, is an actual monument of abstruse law, learning and forensic dialectics; that he had heard a most capable scholar and jurist declare that he had frequently resorted to its logic in his pleadings before the Supreme Court of the United States, and had taken occasion to say, in the presence of the same august tribunal, in his ignorance of its true author, that there was but one mind capable of such depth of reasoning—the distinguished Marylander, William Pinkney. As to the justness of this estimate, a layman is incapable of determining; but it is allowable to quote the words of as severe a critic as any—Mr. Bozman himself—that the argument in this case, first set

forth in a pamphlet published by him in 1794, hereafter to be noticed, "was then deemed, by most gentlemen of the profession of the law in Maryland, to have thrown light upon a very intricate subject, and to have been, without doubt, the foundation of the reversal in the Court of Appeals of a judicial decision thereon in the General Court."—(*Bozman MSS.*)

Some essays on legal subjects, presently to be noticed, give evidence of excellent equipment for the conflicts of the courts; but where agility of mind is so important a qualification for success, it is probable the weight of his own armor was a burden and the length of his own sword an embarrassment. Situated, as he was, in a small and poor community remote from the great centres of population and commerce, it is not astonishing that his practice at the bar won for him neither munificent emoluments nor dazzling honors; and, therefore, it is not to be wondered at that a man such as Mr. Bozman, whose fortune, moderate as it was, relieved him from the necessity of pursuing his profession for a livelihood, and one who felt his own capabilities for winning the higher prizes and palms, if such had been offered for competition, should have abandoned his profession to give himself up to those pursuits which, if they were not more remunerative, were more pleasurable than the petty disputations of the courts or the monotonous routine of the office.

It is not known when he finally abandoned legal practice; but he had always been glad to escape the turmoil and contention which it involved, and find refuge in the tranquil retreats of literature and science. Cut off, as he was, from the aids and resources of literary culture, privileges enjoyed by residents of the cities—collections of books and intercourse with learned men—he spent his life in the seclusion of his farm, and the income of a moderate fortune and professional practice in accumulating a library which for the day might be called extensive, and for any day choice and valuable. This library, bequeathed to his nephew, the Hon. John Leeds Kerr, sometime Senator of the United States, came into the possession of Mr. John Bozman Kerr, Member of Congress and Minister Resident to Central America, and was sold within a few years past in the City of Baltimore. It indicated the wide scope of Mr. Bozman's reading, embracing, as it did, the best productions of all time without excluding the current literature of his day. Besides being well-read in English literature, he appears to have been an accomplished classical scholar and to have possessed a fair knowledge of the French language. The natural sciences, too, claimed his attention; but that of botany seemed to possess for him the greatest interest—as much, perhaps, because it allied itself with agriculture,

of which he was, in common with most gentlemen of his day in his county, a diligent practitioner, as because its objects presented themselves to his notice in his daily walks and demanded more than admiring notice. But what may be called the sciences of man—those that relate to history and government, ethics and morals—engaged his attention more than any other during his maturer years. He says of himself: "Whenever the author's occupation in life permitted his indulgence in any literary pursuit, that of history always presented to him the greatest attractions." His information, however, was extensive upon most subjects, and it was said of him that he was "respected as a man of learning among learned men."[1]

But Mr. Bozman was not content to enjoy the productions of others without attempting to add something of his own to the repast that is spread by generous minds for the refreshment of all. In his day "the mob of gentlemen who wrote with ease" was not so large as at present. Journals and other periodicals did not so abound as now, inviting and rewarding literary labor of every

[1] The following is from a letter dated August, 1793, to his friend, William Vans Murray: ". . . I was, just before my late illness, deep in physiognomy. I had lately bought a London abridgment of *Lavater's Essays.* I know no book that leads a man to such thorough investigation of himself in what I would call a philosophic point of view—that is, as an *Animal.* It is a science hitherto but little explored; but depend on it, that before many centuries are past, deep researches will be made in it.

sort. He exercised his pen industriously and pleasurably, but not gainfully. He occasionally dallied with the Muses, particularly in early life, and even when engaged in serious work he was fond, in his moments of relaxation, of exercising the gentle art of versification. There are still extant effusions of his, both in print and in manuscript, that evince some skill in verse-making, but none of the divine *afflatus*. A few of these were thought to be of sufficient merit to gain insertion in the *Morning Herald* of London and the *Portfolio* of Philadelphia; but they are strained in sentiment and artificial in construction. They are only valuable as literary curiosities, so none of them need be here presented to prove his want of "the vision and the faculty" of the true poet.[1] He was a contributor of articles upon subjects of current discussion and temporary interest to other journals of the large cities. These articles were apparently welcomed by the editors, as they drew attention and sometimes provoked controversy. He did not disdain to write for the *Eastern Shore Herald*, the little weekly journal that began to be issued in 1790 in the town of Easton and was edited by James Cowan—the first newspaper published upon the Eastern Shore and the third

[1] An ode on the *Discovery of the Georgian Star*, an *Elegy on the Death of Miss C. C.* [Callista Callister], and a translation of Milton's elegy on the *Return of Spring*, are his best and those from which he derives the least discredit as a poet.

printed within the bounds of the State of Maryland. Many of his communications, over the signature of *Hortensius*, are now recognizable; but many others, anonymous or pseudonymous, are not distinguishable. Those that are known to be his are valuable as giving us an insight into his character, for they exhibit him in his more familiar moods.[1]

But besides these fugitive pieces, written for his own or others' mental diversion or to serve some temporary purposes, he wrote several labored essays upon legal, political and social subjects. The first of these was entitled "Observations on the Proposed Bill, entitled 'An Act to declare and explain the Law in certain cases therein mentioned,'" and was contained in a pamphlet of forty-three pages, printed by James Cowan at Easton in 1794. This was drawn forth by the introduction of a bill to "remedy the consequences of the decision of the General Court in the case of ejectment of Martindale *versus* Troop," reported in 3 Harris & McHenry, 244, and was a statute of limitations. As before mentioned, the argument of this essay was used some years later before the Court of Appeals, and was instrumental in the reversal of the decision of the Court below.

[1] He assumed, too, the rôle of the unordained homilist, for fragments of a sermon of his have been found, written, perhaps, to test his own powers in an unusual line of literary production.

It attracted so much attention that the author resolved to publish a second edition, recast and extended however, which should bear the title, "Observations on the Statute of 21 Jac. I. ch. 16, in application to Estates tail." This he intended should be the first of a series of "Law tracts or Essays on Several subjects arising under the Laws of Maryland," and though it was prepared and made ready for the press, there is no evidence that it was ever published.[1] This production seems to display the possession by the author of a great legal erudition and a judicial spirit of interpretation; but as it would be presumptuous in the *indocti laici*, as Mr. Bozman calls those not of the profession, to pass judgment upon its merits, propriety and prudence dictate that nothing should here be said of this essay as a disquisition upon law. Nevertheless, it is permissible to quote a few of the concluding sentences as illustrative of the author's opinion upon a matter affecting the social structure. He says:

"And now, as I flatter myself I have with some success endeavored to show, that this proposed bill is neither *unconstitutional* nor unjust, I shall conclude this subject with a word or two on the policy of this measure. I am ready to acknow-

[1] The "rough copy" of this enlarged essay is in existence in Mr. Bozman's handwriting, and upon this he notes that he had made a "fair copy" for the printer.

ledge, that there is something laudable and amiable in the conduct of a man, who by honest industry and moderate economy endeavors to acquire property as a means of a comfortable subsistence, not only for his own enjoyment, but to be transmitted to his children after his decease. For such purposes the laws do well in encouraging the acquisition of property. The private virtues of life are by these means fostered and cherished. The gratitude of children to parents and the affections of families to each other are thereby more strongly cemented. The activity and industry of our citizens are from this cause spurred and excited. Hence result many public advantages;—the encouragement of the arts and sciences,—the extension of commerce,—and the improvement of agriculture. But it is obvious to have the full effect of these public benefits, free alienation of property is an essential circumstance. When property is made unalienable, it is like so much coagulated blood in the veins of an animal, which does not circulate. It is politically unwholesome. The industry of our citizens is as effectually stopped by such a stagnation of property, as on the other hand it is stirred and promoted by a free circulation. And though I approve of a parental care of children, yet I feel myself forced into the observation, that this apparent fondness for posterity most fre-

quently originates from a sordid itch for that contemptible species of fame, which is built upon the basis of wealth. It is not possible, that a man can feel any real affection for those, of whom he knows nothing and of whose existence he can have no certainty. His children about him are justly the objects of his affection, but future descendants can only raise in his mind an imaginary attachment. Thus, to put it in the most favorable point of view—the parsimonious ancestor may imagine that he feels a sincere affection for his future unborn posterity. So the religious fanatic frequently fancies that he feels sensations of which neither he himself nor any other person can have any clear ideas. The building up of a family, like the endowment of a monastery, may demonstrate the zeal of the devotee, but they are acts of weakness, on which reason looks with pity. They are equally gifts to superstitious uses. Perpetuities and mortmain produce similar inconveniences to society. The are both liable to the same objections. They are both clogs to the alienation of property. Both have long been held in abhorrence and detestation by the laws of England. . . . This family law, as it has been called, has ever been wisely reprobated and leaned against even by the judges of England. . . . With us, also, they have been so far discouraged that, until this late decision of the General Court,

it was thought that in a few years they would have been utterly extinct. The before-mentioned Act of 1766, Nov., ch. 21, the Act of 1773, June, ch. 1, by which estates-tail were made alienable by deed of bargain and sale; the same, reënacted 1782, Nov., ch. 23; the late act regulating descents, are all demonstrative of the disposition of the people of the State towards this family law. Nor is this antipathy founded upon an improper prejudice. It is an unhappy truth, which cannot well be avoided under any form of government, that power and wealth are concomitant. If property, by a restriction of alienation, is allowed to accumulate in families, it must follow that an acquisition of power will be vested in them in an equal proportion. Hence aristocracies of a formidable nature might spring up. Although our State Constitution might, perhaps, be improved by a few alterations, yet, in a general point of view, it is certainly as happy an adjustment of the democratic form as could have been devised. But if we once give into a habit of encouraging by our laws an accumulation of wealth in families, I know not how long we may retain this excellent form of government. It is not that I would affect to be alarmed at the claims of a few individuals to some latent estates-tail. It is the *principle* which I combat. I repeat it, that if the Legislature show such sacred regard to these imaginary

rights of families, the principle may hereafter be adopted and engrafted into other laws, which may lay the embryo seeds of a fatal aristocracy. Whoever recalls to his mind the history of many governments in the world must know that *aristocratic republics* are the luckless shapes into which democracies in the flux of time too frequently mould themselves. The Republics of Venice and Genoa bear testimony to this. Ought we not, therefore, cautiously to avoid even the least progress towards so unfortunate a deviation? As we have taught the nations of the earth how to obtain liberty, let us also teach them how to preserve it."[1]

But it is proper to say that although the whole drift of his argument is in the direction of the constitutionality and expediency of the proposed law for the limitation of entails, and in opposition to systems of inalienable hereditaments, there was a recoil of his mind from extreme sentiments, then prevalent, antagonistic to the perpetuation of estates by a settled succession of heirs, for he says elsewhere in this essay: "Although I have herein allowed full scope to all the objections which have been made by Mr. Justice Blackstone or others, to the impolicy of estates-tail as a mode of prohibiting the free alienation of real property, particularly where such property is

[1] This extract has been copied from the original publication of 1794.

rendered intangible to creditors, yet I beg leave to suggest some considerations in opposition thereto, which ought I think to be attended to in the midst of our zeal against this *family-law*, as it has been called. We know that every community of mankind existing under almost any form of government is composed rather by an aggregation of *families* than of *individuals*. The more men are loosened from the cares and affections of a family the nearer they approximate to that individual solitude which is more generally the concomitant of a savage life. When a man is surrounded by his wife and children who look up to him for a sustenance, not only during his uncertain life, but to be provided for them in case of his death, his industry is stimulated by such circumstances beyond the excitement from almost any other cause. From this additional industry thus excited, the public, as all political economists acknowledge, are benefited. This individual industry is also further promoted by giving to the person thus exercising it, the entire disposition of all the property so acquired by him; and such right of disposition ought not to be confined to the duration of his life only, but he ought to have the right of directing the succession of his property, whether real or personal, after his decease, in such manner as shall be most consonant with his feelings and opinions.

To give him this right by no means implies that he should have the power of so fettering his property, in directing the succession of it, as that it should not be at all times amenable to creditors, who, on the ostensible faith thereof might happen to give credit to those to whom he has thus directed the succession. Estates-tail, therefore, in real property, when they are created by the first purchasers or acquirers of such property, seem to be a mode of transmitting the succession of such property justly allowable as the reward of industry. As a set-off against the *disobedience* of children, before mentioned, as an objection against entails, may be mentioned the wanton alienation which frequently occurs, by *ungrateful* children, of all the property entailed upon them by an industrious and affectionate parent, from all those of his family, to whom he had fondly supposed the acquirements of his industry might accidentally descend. Under the old Provincial Government instances frequently occurred, some of which have come to the knowledge of the author of this essay, wherein the *entailing* of an estate has been the means of preserving a meritorious family from want and ruin, where an ungrateful heir had alienated such entailed estate to a wanton wife, in no manner connected by the tender ties of blood to

him, who, by the sweat of his brow, had first industriously acquired it."

There is no reason to believe that Mr. Bozman carried his scheme of a series of "Law Tracts" further than the first number; but in 1802 a pamphlet appeared which, though anonymous and bearing no imprint of the name of the publisher or place of issue, is attributed to him upon excellent authority.[1] It constitutes a proposal or plan for a new arrangement of the Courts, and appears to have been drawn forth by the disagreeable experience of the evils and insufficiencies of the system of judicature established in Maryland by the statute of 1790. This system was condemned and had been years before by the most enlightened jurists of the State, who were considering the best methods for its reformation. Whether the suggestions made in this essay for the reorganization of the Courts were regarded as valuable it is impossible, at this day and in the absence of specific information, to declare; but they seem to have the merit of avoiding revolutionary methods and of being based upon historical precedent, and they adumbrated the system which was adopted in 1805. Besides Orphans' Courts and a Criminal

[1] The following is the full title: "A new arrangement of the Courts of Justice of the State of Maryland proposed. Ea jura, vero, quæ ipsa sibi quæque civitas constituit, sæpe mutari solent, vel tacito consensu populi, vel alia postea lege lata. Justin. Inst. Lib. I. Tit. 2. Sec. 11. Maryland: Printed for the Author.

Court for Baltimore City, the establishment of Hundred Courts, County Courts, General Courts and Courts of Appeal was recommended, and the limits of jurisdiction of each of these were defined. It would be pretentious for one unacquainted with law and the procedures of law tribunals to pass any opinion upon the worth of Mr. Bozman's scheme; but an extract from his brochure will serve to illustrate the character of one class of the Courts then existing, namely, the County Courts, which, if the picture be not overdrawn, seem to have been falling, and deservedly falling, into contempt. It will also serve to present some social phases of the time, as well as exhibit the style of the writer when in his lighter vein. It should be remembered that the bench of the County Courts was occupied by one Chief Justice, who was Chief Justice of a judicial district and always a lawyer, and of two Associate Justices of the several counties in the district, not always nor generally of the legal profession, and corresponding to the puisne Judges of the mother country and some of the States. In fact, the Associate Judges in Maryland were a survival of the provincial system of County Courts, with their "Worshipful the Commissioners and Justices of the Peace and Judges of the Quorum." There is little doubt that the picture Mr. Bozman paints in the following extract was a portrait and not a

caricature:[1] "To illustrate this part of our subject the author solicits the reader's indulgence in supposing, for a few moments, that one of the Chief Justices of our District County Courts may be of the following character: Born of parents descended from the most ancient and wealthy families of the State, he was consequently nurtured in the very lap of our provincial aristocracy and educated in the aristocratic principles of our ancient provincial gentry. Thus descended and thus educated, it may be naturally supposed that he affixes high consideration to the recommendations of wealth and birth. We will suppose him possessing numerous family connexions. If any one of his near relations, illustrious both for his wealth and birth, shall be summoned to the vulgar discharge of the vulgar duties of a juror, he is released from that troublesome office, and permitted to return home to the more gentleman-like and agreeable recreations of fishing and hunting; but this judge, so highly prejudiced in favor of an aristocracy, will oftentimes most absurdly display a partiality on the side of democracy. It is true, this partiality is not the result of affection. Like the Indian in his

[1] The gentleman who, in 1802, held the seat of Chief Justice was the Hon. James Tilghman, of Queen Anne's, and his Associates for Talbot were Samuel Dickinson and Jacob Gibson, Esquires. Of one of these, who had been more than once indicted, it was said by a political opponent that when he was seen to enter the Court-room, there was always doubt whether he was to occupy the dock or the bench. To which of the Justices this reference was made, it is here purposely left in uncertainty.

adoration of a daemon, he worships through fear. If a powerful popular democrat comes before him to be fined, either for an offence or contempt, he is discharged, *sub silentio*, with the slightest possible fine or, perhaps, without any. If the like character happens to be a suitor in a cause and the judgment of the Court on a point of law becomes necessary, the like subserviency is exhibited by him; but it is not with suitors and offenders merely that his *prejudice* and his *partiality* prevail—he extends them to the attorneys at the bar. He dispenses justice on a system of *favoritism*. One or two in every Court of his district are always listened to with the most partial attention. If any who does not bask in the sunshine of his favor happens to be concerned on the contrary side, he is not looked at or listened to when he speaks. All his arguments, however forcible or pertinent to the subject, are treated as nothing to the purpose. He is interrupted by doubtful queries without the slightest foundation. If he is addressing the jury and his remarks are likely to take effect on them, he is stopped as wandering from the evidence, particularly if one of the favorites is so uncandid as to intimate a wish for it. Still consistent with those aristocratic principles imbibed in his youth, his favorite attorneys are most commonly his relations, and, fortunately for his permanence in office,

these consist of both Federal and anti-Federal characters. While one drop of that highly-rectified fluid which flows in the veins of his family connections can be traced, they may boast one of the attributes of royalty—they never can be wrong. It is proper that the low-bred attorney, lifted from among the swinish multitude, should return to his filth and dirt in order that the high-born lawyer may live in luxury. Thus, the discerning suitor soon discovers the most successful counsel to whom he must commit his cause. He whispers to himself, this judge will not be bribed by money, I know; but, what is tantamount, if I employ one of his favorites I am sure of success. Meanwhile, this righteous judge sits with looks so mild, so placid and so gentle that he would not hurt a fly, so he would not. And yet so deeply-rooted are his prejudices in favor of wealth and birth, and so shameless and lost is he to every sentiment of delicacy on this subject, that he does all this beyond the ability of any spectator, even with microscopic assistance, to discern the slightest crimson on his cheek. Thus are those canker-worms of justice, bribery and corruption, from their detestable vermicular state, changed by an invisible transmutation into the less odious and apparently less noxious forms of partiality and prejudice. Should I be told that such a character is fictitious and nowhere exists, I say it is immaterial

to the present purpose whether it be true or fabulous. It is sufficient if these Courts, constituted as they are, admit the existence of such a creature, especially when, by an amendment, such an existence may be annihilated.

"But where are the Associates all this while, it may be asked? Mute as alabaster busts on each side of a clock over a chimney-piece. The middle machine, it is true, tells the time, but it may tell it wrong. The silent figures though moulded into the human face divine, are yet insensible of its errors. Under the old system of the County Courts when the Justices of the Peace were the judges thereof, it has happened, that diffident and modest men have refused to qualify under a commission, because thereby they would be under the necessity of acting as judges in a court of law. . . . Placed upon a perfect equality of understanding, they had no superior among themselves on whose judgment they might repose a greater degree of confidence than their own. But now the Associates absolutely resign themselves and their consciences to the entire disposal of the Chief Justice. He is the Pope among the Cardinals. His doctrines are infallible. As in the Athanasian creed of the Trinity, although there are three persons, yet they make but one Judge. In short, it has always appeared extraordinary that any man of any delicacy would

accept of such such a situation. But this is of trifling consideration when compared to that of its importance to the public." Of this essay it may be permitted to one unlearned in the law to say that, while it does not display the extensive erudition which was so conspicuous in the one before mentioned, there are not wanting evidences of the same kind of wide and accurate knowledge that justify the claim that has been made for the author of being a jurist of the first order. But the chief merit of this essay lay in the practical nature of its suggestions for a new judicial system for Maryland which, while they indicated acquaintance with the systems of other states and countries, were really founded upon a clear conception of the needs of his own State and of the means of satisfying them.

From the time of the organization of the American Colonization Society, and probably before, Mr. Bozman was an earnest advocate of its plan for solving the two great problems on which moralists and patriots had painfully labored for many years, namely, the extirpation of slavery and the destiny of the negro race in this country. Of these two problems we, in our own day, by a most costly and bloody calculus, have solved but one—we have abolished slavery. The other remains as inscrutable as ever. But in the early part of this century good and wise men thought

they had discovered the key to the sociological enigmas in African colonization. We now know that this was but a phantom, born of the "enthusiasm of humanity," which has disappeared in the broad light of experience. Mr. Bozman, however, was one of those who believed in its reality and efficiency. In 1820 he wrote an essay and published it in the city of Washington, in approval of the scheme of the society for the transportation of the whole African race in America to their original seat.[1] There was something exceedingly captivating in this scheme to benevolent and patriotic minds—so much so, that they did not pause to consider its want of feasibility. While advocating this project as a practical answer to most embarrassing ethical and social questions, and also, perhaps, for the purpose of relieving himself of the imputation, more dreaded formerly than the present generation can imagine, of being an Abolitionist, for which his early training among the Friends, and his known hostility to slavery on the grounds of political and economical inexpediency, seem to have given some foundation, he took occasion to declare explicitly his belief

[1] The title of this essay is as follows: *An Essay on the late institution of the American Society for Colonizing the Free People of Color of the United States.* Washington: Printed by Davis and Force, Pennsylvania Avenue, 1820, pp. 83. The subject was treated of under three heads in as many sections. Sec. 1. As to the Justice and Rectitude of the Measure. Sec. 2. As to the Policy and Necessity of the Measure. Sec. 3. As to the Expediency and Practicability of the Measure.

in the natural inequality of the races, founded upon distinctness of origin, his approval of the policy of retaining the negro in a state of slavery as long as he should be in contact with the white man, and his condemnation of any interference with the relation of master and slave, either by individual intermeddling or governmental interposition, as calculated to render the condition of the negro less tolerable, the conduct of the master less kindly and considerate, and the general well-being of society less secure and happy. Clearly Mr. Bozman, upon this subject, was not materially in advance of a majority of his fellow-citizens, and was cherishing illusions which he shared with the most comprehensive and benevolent minds of the time, and which, in fact, are not yet wholly dispelled, namely, that nothing but evil could result from freeing the blacks, and that the transportation of millions of that race to the shores of Africa was a practicable scheme. In truth, political science, of which he was merely a student, was then only advancing to the position, and political art, in which he had no experience, was then only receiving that development they have since attained, in which justice is regarded as the only sure basis of public policy and equality of rights the best security of social order. The doctrine of the "higher law" of morals as dominating statutory provisions or customary regula-

tions having the force of law had not then received such confirmatory arguments as the events of the last fifty years have afforded, nor had benevolence, with eyes too suffused with tears for suffering man, perceived—nor does it yet seem to see—that the best assistance it can give the weak and unfortunate is to afford a fair opportunity for the free exercise of their own unaided efforts. Slavery has been abolished without being followed by the evils prognosticated by Mr. Bozman and by those deemed wise in their day; and colonization has failed, though suggested by the purest morality, advocated by the best intelligence and sustained by the most liberal beneficence. It might have been expected of a man like him, viewing society from the serene heights of philosophy, that he would have been able to have clearer perceptions than those of his cotemporaries living upon a lower plane; but if any excuse be required for his limited and defective vision, it may be found in the fact that he wrote when the moral atmosphere was filled with the clouds of the Missouri controversy, and when the benevolent scheme of colonization was too readily welcomed, in default of a better, as a refuge from the greater political tempest which that storm but heralded, which he himself anticipated, and which it has been our fortune to experience in all its destructive violence but purifying sequences.

Besides these essays, which were printed and of which copies remain, Mr. Bozman wrote two others that never saw the light of publicity. One of these, prepared during the winter preceding his death, was upon the *Law of Treason in the United States*—an obscure and difficult subject considering the duplex nature of our government, under which States claiming independence form a confederation claiming paramount allegiance. Nothing whatever is known of the contents of this essay, for as Mr. Bozman was doubtful of the propriety of publishing it, and was desirous of having criticism upon it after its completion, it was submitted to some of his learned friends of the City of Baltimore. He dying soon after, it remained in the hands of one of them, and though his literary executor, Mr. John Leeds Kerr, made diligent search for the manuscript, he was unable to discover the place of its deposit. It may yet be recovered.[1] It has been conjectured that the reason of its suppression was the expression of high Federal sentiments and the controversion of the doctrines of State sovereignty. Who shall say of what service it might have been in our late troubles?

The second unpublished essay referred to was upon the *Prime Causes leading to the Revolution.*

[1] It is said the manuscript was sent to either the Hon. Robert Goodloe Harper, or to General William H. Winder, friends of Mr. Bozman and eminent lawyers.

It was incomplete at the time of his death, and was probably abandoned as treating of a dangerous subject. One who saw this fragment has stated that in it the lofty principles which are commonly attributed to the leaders of that movement were questioned, and the influence of personal ambition, the spirit of party and the solicitation of self-interest were made conspicuous; that while there was nothing but praise for Washington, there were animadversions of great severity upon Franklin, to whom was denied the possession of good morals, high motive of personal conduct, disinterested patriotism and even originality in either his writings or his discoveries. If this be a correct representation, there can be little doubt that Mr. Bozman remembered the opinions of his Tory grandfather, John Leeds, and was biassed by them in his judgments of the men of his time; and that he was affected, too, by his own political views, which were more nearly in accord with the virtual aristocracy of Washington than with the essential democracy of Franklin. If Mr. Bozman had completed this essay, it is believed he would have thrown light upon an obscure subject in our national history, namely, the motives and methods of our much-lauded revolutionary sires, whom patriotic legend has invested with excellences almost as preternatural as those of the saints in mediæval hagiography.

Much more has been said of these minor productions of the pen of Mr. Bozman than such *libelli* would seem to deserve, for the reason that they are less known than his greater work, the *History of Maryland*, upon which his reputation mainly depends. This is so familiar that an extended notice of it would be superfluous. The outward incidents in the lives of men of letters are, for the most part, few and of but little importance compared with those of men of action. Their biographies are histories rather of thoughts than of deeds. If they could be written with completeness, to the projection of a great literary work would be given the importance that is assigned to the conception of a great policy by the statesman, and the publication of a great book would be made to correspond with the winning of a great battle by a great soldier. In the case before us it would be interesting to know by what mental paths Mr. Bozman was led to the undertaking of the task of writing a history of his native State. As the history of any country is largely written in its laws and customs, the student of the profession he adopted almost necessarily becomes a student of history, and it was thus, in all probability, that he was led by his legal studies and duties to the determination of collecting and ordering those occurrences, circumstances or events which gave origin to the laws he was called

upon to interpret and apply. But not only may the requirements of his vocation have suggested the study of his State's history, but it furnished him with excellent preliminary equipment for such a task. What other preparation he made aside from his acquaintance with early Maryland law and by his extensive and varied reading can only be conjectured. It is not believed that an examination of colonial papers in public offices or private hands made any part of his duty or his pleasure during his residence at the Temple in London. His work does not betray evidence that he had access to any sources of information other than those of printed works and the records of the Province and State at Annapolis. These were most industriously searched and laboriously copied. As early as 1805, as he himself states, he "undertook the task of examining the Provincial records at Annapolis, with a view of extracting from them the necessary materials for his design" of compiling and digesting them into a historical work. After proceeding as far in the execution of his purpose as the writing of an *Introduction to a History of Maryland* and a single chapter of the body of the book, embracing the events of three years only from the date of the settlement in 1634, he learned that Mr. Kilty, the capable compiler of the *Land Holder's Assistant*, was engaged upon a similar work, and, knowing his superior facilities

for its execution, being the Clerk of the Land Office of the State, he abandoned his scheme and contented himself with the publication, in 1811, of the introduction and single chapter. Mr. Kilty dying while these were passing through the press, Mr. Bozman, after the appearance of his volume, resumed his interrupted labors, and continued them with the utmost zeal for some years with a purpose of continuing his history until the time when the Province of Maryland became an independent State and member of the great Confederation; but, unfortunately, rapidly declining health prevented the full accomplishment of this purpose, and he was compelled to limit his task by continuing his account to a date no later than 1660—the epoch of the restoration of the royal authority in England and the colonies—so that, to our incalculable loss, we have a history of Maryland from his pen for only twenty-six to thirty years. After the death of the historian in 1823, his manuscript was found in such a state of completeness that his executor and nephew, the Hon. John Leeds Kerr, was enabled to offer it, without revision or emendation, to the General Assembly of the State for publication at the public expense. This generous act was performed by him in 1834 in a graceful letter to the Speaker of the House of Delegates, and the proffer was coupled with no other conditions than that the work should be

printed within two years and in a style worthy of its merit, creditable to the State and with due regard to correctness. With a promptness indicative of an appreciation of the value of the book, the donation was accepted by the Legislature, and the Governor and Council were authorized and required to contract for the printing and publishing of five hundred copies. Accordingly, in 1837, it made its appearance in two volumes, with such corrections and additions as Mr. Bozman had made to the original Introduction since its first issue in 1811, and with such editorial supervision by Mr. Kerr as was necessary to secure accuracy of typographical execution.[1] Thus it was that Maryland, raising no useless cenotaph of perishable stone or bronze to one who had erected his own enduring monument, honored herself and him when she thus laureated the work of her first historian.

There is no purpose to enter here into any extended criticism of this most important contribution to the history of this Province. It was the first serious attempt of its kind, and as such is entitled to consideration; but its precedence is not one of time only but of rank also, for it must be conceded that no other equals it in those qualities which distinguish true history from mere chro-

[1] The book bore this title: "*The History of Maryland, from its first settlement in* 1633 *to the Restoration in* 1660, *with a copious Introduction and Notes and Illustrations*, by John Leeds Bozman. 2 vols. 8vo. Baltimore, James Lucas, and E. K. Deaver, 1837.

nological or topical narration; the clear perception and statement of the true catenation of events; the interpretation of their significance, both in their antecedents and consequents; the comprehension of the factors of social change or evolution; the insight into the motives and characters of men—in short, the broad but perspicuous treatment of whatsoever subject, principal or ancillary, that is presented for contemplation. Its value is recognized by every student on account of the extent and depth of its researches, the accuracy and fulness of its statements, and for the profundity or acuteness of its philosophical and political reflections. It is appealed to as an authority, which few venture to impeach, for all matters relating to the early exploration of the Chesapeake and its tributaries, and to the location and condition of the Indian tribes settled along their shores; for all the circumstances leading to and attending the plantation of Maryland by the Calverts; for the transactions of the palatinate government instituted by the Lord Proprietary and of that set up under the protection of the Commonwealth of England; for those occurrences which were either important in themselves or were illustrative of the religion, the politics, the industry, the manners and customs of the Province. In it the author has most industriously collected, judiciously estimated and clearly presented his

materials, and whatever may be or may have been accomplished by the labors of subsequent historians in the same fields, it will be confessed that Mr. Bozman has gathered the sheaf if he has not gleaned all the scattered straws of our early provincial annals. His style is lucid, full of dignity, without inflation or useless ornamentation.

But the History of Mr. Bozman is not entitled to unqualified praise, excellent as it is; for while it is a mine from which later writers have drawn their ore of valuable facts, it is one from which they have inhaled the vapors of erroneous opinion. Accurate as were his statements, his judgments are not always to be approved. He takes no pains to conceal his antipathies to the Puritans, both in England and America, and the conduct of those of them who made Virginia and Maryland their home, and who acted so conspicuous a part in those provinces during a portion of the period of which he writes, received his severe reprobation. The intolerance of religious dissent, the austerity of morals, the sternness of civil and domestic discipline, the harshness of manners, the acerbity of disposition that have been attributed to these people in Old and New England were either greatly exaggerated or they were greatly modified by the favoring circumstances of their new home in these southern provinces; for the severe traits of Puritan character never impressed them-

selves strongly or permanently upon those of their persuasion who were settled along the Chesapeake, and their political dominancy, which was brief and passed away with the Commonwealth and the restoration of monarchy, left scarcely a trace behind upon the social structure. Much more has been made of their alleged misrule in Maryland, and particularly of their intolerance of religious dissent, than can be justified by historic facts, and though Mr. Bozman is not the most severe of their censors, he, of our State historians, is most largely responsible, because of his high character, for the perpetuation of injurious ascriptions. He cannot escape the imputation of that illiberality which he severely condemns in others, and he has not the apology for this, if, indeed, it be an apology, of religious zealotry.

Again, his injustice to Claiborne, who held at one time a Puritan commission, may possibly be traced as much to his prejudices against those sectaries as to a conviction of the illegality of his pretensions and the factious nature of his proceedings. Of his presentation of the case of the "evil genius" of the colony, as he has been called, there has been of late years ample criticism to show that his estimate of this much-injured man's motives and actions is not defensible, and was more largely affected by prejudices than might have been expected of one whose ideal of the true historian is he who, with "steady temper,"

"Can look on guilt, rebellion, fraud and Cæsar,
In the calm lights of mild philosophy."

Nor is the History without its defects as a work of literary art. The most obvious of these and the only one that shall be mentioned is the introduction of much matter of slight relevancy to the narrative, which, however interesting and valuable, has given it a great prolixity. This is most conspicuous in his notes. One is tempted to believe that his book was written as much to furnish the author with an occasion to use his large stores of learning and an opportunity to express his opinions or expose his speculations upon a great variety of subjects as to furnish the student of Maryland history with a clear and connected recital of events occurring within the period of which he treats, their causes, their consequences and their relations. The great scope which he was giving to his work may have been one cause of its abandonment, for there must have come to him a sense of the disproportion between his subject and his method of its treatment. He must have seen that he was making a statue that was colossal—gigantesque—of a diminutive personage. But after criticism has exhausted itself in the detection of defects, both of design and execution, it will at last confess that the work of Mr. Bozman, as far as completed, is the most

successful attempt yet made to give an imperishable presentment of Maryland history.

As evidence of the estimate in which Mr. Bozman was held by literary and scientific men, it may be mentioned that in December, 1811, he was elected a member of the *New York Historical Society*, and in February, 1819, a Counsellor of the *American Antiquarian Society of Worcester, Massachusetts*—an honor repeated for several successive years. Nor was his reputation confined to his own country, some knowledge of him as a man of science and letters having reached the Scandinavian *savans*, for in 1840, long after his death, the diploma of membership in the *Royal Society of Northern Antiquities of Copenhagen* was forwarded to him as if still living. It is probable he was a fellow of other like bodies; but of this evidence is not at hand and hardly worth the seeking. Enough is known to show that he was regarded as "learned among learned men."

Passing now from a consideration of the literary life of Mr. Bozman to that which is more intimate or personal, it may be noted that, receiving his earliest religious impressions from his Quaker mother, he retained a respect for the Society of which she was a member that was born rather of filial affection than of approval of its doctrines and practices; but subsequent association and education essentially modified those impressions. He

really grew up under training that led him to a strict observance of the prescribed forms, if not to the acceptance of the stated doctrines of the Church of England as established in Maryland and of the Protestant Episcopal Church in America. His regular attendance upon religious services may have been given in compliance with genteel or useful custom rather than in satisfaction of a devout feeling or pious obligation; and the cordial relations he maintained with some of the clergy may have been a mere indulgence of the social instinct and not a spiritual communion. Some views of his, often privately expressed and then published in his *Essay on Colonization*, upon the distinct origin of the races of men, that were not in harmony with the orthodox teaching of the time, possibly gave rise to the opinion which prevailed of his being sceptical upon more than one point of Christian belief; but it is so common to attribute this to anyone who shows independence of thought upon such matters as theology claims to have determined once and for all, that the imputation against Mr. Bozman may be dismissed as unfounded.[1] He had been too voracious a reader to allow the works of the Deists of the last century to escape his perusal and the yet more damaging books of the apologists of the

[1] Nevertheless, there are passages in his History that are difficult of reconciliation with a belief in certain accepted Christian dogmas.

same period. If these affected his opinions upon certain fundamental questions of faith, he felt no obligation to be the propagandist of unbelief, and therefore he cast none of his doubts before others to be stumbling-blocks to those who painfully but hopefully climb

> "the world's great altar stairs
> That slope through darkness up to God."

Reference has already been made to Mr. Bozman's prejudices against Puritanism. These were extended to Methodism, the legitimate successor of that form of religion, which began to be taught and professed in his own county about the time when he became capable of independent thought. The extravagances that attended its early preaching were condemned by him as savoring of fanaticism, and its fundamental doctrine of "justification by faith" was pronounced by him to be as pernicious to good morals as the practice of the Church of Rome of granting indulgences.[1] His attitude towards the Roman Catholics was one of great liberality—apologetic in cases of evident error and commendatory where praise could pos-

[1] In a note contained in the first volume of his *History of Maryland* he said: "It must be acknowledged by those who suffer themselves to reason on such subjects, that the unbounded confidence which is taught by modern fanatics to be placed in the efficacy of *faith*, in preference to *good works*, in obtaining salvation, has much the same pernicious effect on the moral conduct of human society as the actual granting of indulgences by the supreme pontiff of Rome." Page 289.

sibly be bestowed, but he refused to accord to them the credit of establishing religious toleration in the infant province.

In politics Mr. Bozman was a Federalist of the school of Washington, Hamilton, and the elder Adams, and there is ground for believing there remained in his blood a taint of the Toryism of his grandfather, John Leeds. The administration of Washington needed no support from him; but that of Adams, under which parties began to be alligned, was ably defended by his pen, while the democracy of Jefferson was the object of his alternate vituperation and ridicule. He witnessed with no composure the spread of sentiments emanating from this great statesman and tribune which he deemed levelling and libertine; for he was so thoroughly indoctrinated with the belief that the people could be governed only by their superiors in wealth, morals and intelligence, that he was incapable of seeing how much of political wisdom there generally is in the popular instincts, and how little there often is in the reasoned conclusions of the patrician statesman or the cloistered scholar. He never outlived the terrors of French Jacobinism, to which he likened the radicalism of the American Democracy; but he lived long enough to see the high Federalism which he avowed discredited and become even a reproach. In the earlier part of his life, judging

from his frequent contributions to the newspapers of an intense partisan tone, and his attendance upon political meetings, the proceedings of which were characterized by a vehement support of Federal measures that had provoked violent opposition, he was deeply interested in politics. In September, 1794, he gave notice through the public press, in accordance with the custom of the time, that he proposed to stand as a candidate for a seat in the Lower House of Assembly; but if he did stand and receive the votes of the Federal electors he was beaten in the contest, for the Republicans, or Democrats as they were subsequently called, were triumphant. Whether disgusted with the methods employed to effect his defeat or discouraged by its accomplishment—whether from a repugnance to the defilement of political contests or from a consciousness that his manners and opinions were not such as to win for him the popular voice, he never again descended to the arena, though he long remained an inactive, but not indifferent, spectator of the party combats. He never held but one office, and that not an elective one, having been appointed by his friend, the Hon. Luther Martin, to be the Deputy Attorney-General for Talbot and Caroline Counties. It is hardly necessary to say that he was an earnest advocate of public education, and particularly of higher education. It is doubt-

ful whether his views of the true and proper functions of government were such as to lead him to assume the advanced ground now held by statesmen — that all the children of the community shall be educated at the common charge; for this has been attained only of later years, and approach to it has been made by the way of government appropriation to the schools of a superior grade. It is a modern idea that it is of more importance to the common weal that the whole body of the people should have, at least, the elements of learning, than that there should be a small well-educated class from which the guides and governors should be drawn. The Easton Academy, founded in 1796 in his own county, therefore, was a school for whose success he manifested a solicitous interest. It was largely through his agency that this institution escaped shipwreck at the very beginning of its voyage, through a partisan and sectarian attempt to place an incompetent teacher at its helm, to the exclusion of the Rev. John Bowie, whose Church of England connection and whose Tory or non-juring sentiments Mr. Bozman declared ought to be no impediment to his induction as Principal of the Academy, and whose excellent accomplishments as a teacher, and pure character, albeit he was called the "fighting parson," would secure its success and permanency.

Beyond what relates to his professional and literary labors, little is known of Mr. Bozman. His life was even less diversified with incidents worthy of mention than the lives of most men of letters. After his retirement from the bar it was one of almost complete seclusion and learned leisure. His home at Belleville, to which from the town of Easton he removed in 1795, and then named by himself, consisting of a long range of low cottage-built structures, erected as ability allowed or necessity required, without architectural pretensions, but comfortable and convenient, upon a large plantation of several hundred acres, was shut in on one side by water and on the other by an expanse of primitive forest. Here,

"Studious of ease and fond of humble things,"

he lived a simple, unostentatious life, attended only by his servants, going seldom abroad, and receiving no company but an occasional visiting kinsman. Tempted as he often was by the rewards that awaited him from an examination of the records and papers in public offices and private hands in England bearing upon his History, and by the pleasures of foreign travel—perhaps the most delightful of all that life affords to minds endowed as his—he never crossed the ocean after his return from pursuing his legal studies in London. Protracted sojourns at Anna-

polis while delving among the archives of Maryland, and short visits to Baltimore and Philadelphia, made the round of his journeyings from home. If he possessed social inclinations, they could hardly have been indulged in a narrow and retired neighborhood, where the number of refined and intelligent people was so small and communication was attended with so much embarrassment. But his personal traits were those of a student rather than those of a man of affairs or of society. He was exceedingly reserved and taciturn. He had an air of hauteur common with those whose communion is with the best minds of the ages, and who are impatient with the ignorance, the frivolity, and vulgarity of ordinary men. Besides, he was born in a community where, by reason of its remoteness and seclusion, many of the feelings and habits that characterized the two marked orders of old provincial days—the gentry and the commonalty—had survived the social cataclysm of the Revolution. He himself one of the Eupatridæ, the son of parents who for generations had been accustomed to receive, as by right, the deferential respect of those who were willing to be considered their inferiors, from them had inherited somewhat of the pride and exclusiveness of his class. It is, therefore, not surprising that he was regarded by people with whom he had no association, because he had little

in common with them, as an aristocrat—a character that, in the early part of this century, acquired an opprobrium derived from French political sources through the great leader of American democracy. And yet it is known that no one had a more hearty contempt for that bastard aristocracy of which he saw so much in his native county and among his own acquaintances and neighbors, which,

> "folded in
> The ragged purple of its ancestors,"

aped a dignity which it could not sustain and claimed a merit which it could not prove. Never having married, he was deprived of the pleasing companionship of wife and children — to none more necessary than to the man of books. In his library and his pen he found the best compensation for freedom of intercourse with men of congenial tastes and for the endearments of wedded life.[1] Perhaps, too, he felt that in leaving "something so written to after times as that they should not willingly let it die," he was securing, through this progeny of his brain, that perpetuity of existence which other men seek through children of their blood. But if it can be said

[1] Family tradition, rarely prosaic, must have a touch of the romantic or sentimental; so it relates that he had a serious *affaire de cœur* with a fair kinswoman — Miss Bacon — who, rejecting him, married a rich Welshman interested in mines.

that he indulged in any of the parental affections, these were bestowed upon nephews and nieces, and particularly upon Mr. John Leeds Kerr, his principal heir and literary executor. Injustice may easily be done to one of whose intimate life so little is certainly known; but it may be said with reserve that there are traditions of his being of a melancholy disposition, sensitive and irascible, but not morose, misanthropical or unappeasable. His treatment of his dependants was uniformly kind and indulgent. Indeed, such was his leniency towards his slaves that at one time he was suspected by such of his neighbors as were unable or unwilling to imitate his mildness and humanity, of favoring the views of the Emancipationists, who were a numerous and increasing body in his own county until slavery became a political question; and this suspicion was not effaced until he had published his essay on African colonization, before mentioned. In all its relations his life was so ordered that morality suffered no offence, though a scrupulous austerity of manners was not observed. His amusements, aside from those afforded by his literary work and the care of a large landed estate, were simple and such as a solitary man in his hours of weariness of mind might easily secure and enjoy. It is not likely that his fondness for flowers, before noticed, was that of the

botanist—limited to their structure and their classification, but extended to their ministry to the sensibilities. His propensity to poetry,—to indulge in

"thoughts that voluntary move
Harmonious numbers"—

was closely allied to his love of music, which he gratified by exercises upon the violin, for which many scores, copied with much pains with his own hand, were found among his papers. Physically, Mr. Bozman was in stature a little below the medium height, without being diminutive in appearance, and he was spare in flesh, without being meagre. His complexion was dark and healthy, though not ruddy. His eyes, the most expressive and characteristic feature of his face, were very prominent, or, as one may say, staring. His other features were sharply-cut and suggested refinement. His whole look and carriage was that of great independence, which some called pride, perhaps not unjustly. No portrait of him or other visible representation exists, and the recollections of persons still living, who had often seen him in their youth, are so dim as to forbid their giving a description of his person that they would regard as trustworthy.[1]

[1] What has here been said of Mr. Bozman's habits and appearance, though not to be wholly depended upon, was derived from aged persons, some of whom, now dead, knew him personally, and others, yet living, who saw him frequently in the streets of Easton.

For some years previous to his death Mr. Bozman's health was poor, which interrupted, to our great loss, his literary labors. He died on Sunday, the 20th of April, 1823, and was buried with his ancestors at Belleville—an estate which, notwithstanding his testamentary injunction to his principal heir to hold it intact as the best security for the perpetuation of his family, is no longer possessed by any of his blood. There his remains still lie in an undistinguished grave, unmarked by any monumental stone, and yet he is more sure of lasting memory in the minds of the citizens of that commonwealth whose earliest dawn he has so admirably portrayed than if over his dust there rose a stately obelisk with epitaph inscribed that should couple his name with praise.[1]

[1] The following is a part of an obituary notice of Mr. Bozman published in the *Easton Gazette* of April 26th, 1823: "A man highly respected in the society in which he lived, distinguished for his learning among learned men, a gentleman of urbane manners and refined sentiments. He was profoundly versed in the science of the law, and his mind was richly adorned and copiously stored with classical and miscellaneous literature. He will be handed down to future times as the first who successfully undertook to write a history of Maryland, and the world will long regret that he did not live to complete his excellent and important work."

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